

## REMARKS/ARGUMENT

### SUMMARY OF THE PRESENT SUBMISSION

In accordance with Rule 173(g), all of the amendments herein are relative to the issued patent -- not relative to the text that existed prior to the present submission. The present submission does not further amend the application relative to the amendment filed November 17, 2008. Instead, at the request of the Examiner, the present submission recites original Tables 1, 2 and 3, and paragraphs immediately preceding each, as all of the foregoing appeared in original patent 6,440,392.

### SUMMARY OF INTERVIEW SUBSTANCE UNDER M.P.E.P. § 713.04

A telephonic interview was held between Examiner Haghighatian and Applicant's representative, William Gray on November 20, 2008. The Examiner requested that Applicant make a supplemental submission that specifically recites unamended Tables 1, 2 and 3 as they appeared in original patent 6,440,392, and unamended paragraphs immediately preceding each of those tables. The present submission is believed responsive to the Examiner's request.

While the Examiner did not commit to an allowance, she indicated that she believed it likely that the application could be allowed following her receipt of the requested supplemental submission, and was not then aware of other issues requiring resolution prior to allowance.

### GENERAL REMARKS

Regarding Applicant's duty of disclosure, while the specification was amended on November 17, 2008 at the request of the PTO to reflect original unrevised data (which unrevised data is reproduced herein), the revised data remain available to the PTO, and to the public, by reference, *inter alia*, to the amendment filed August 13, 2008 and to the Second, Third and Fourth Declarations of inventor William Stern, previously filed.

SUBMISSION OF REISSUE INVENTOR'S DECLARATION

Applicant encloses another Supplemental Declaration for Reissue Patent Application to Correct "Errors" Statement (37 C.F.R. 1.175).

CONCLUSION

It is believed that the application is now in condition for allowance. Issuance of a notice of allowance is solicited. The examiner is invited to call the undersigned to resolve any other issues that, in her opinion, are not adequately addressed by the present submission.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE PATENT AND  
TRADEMARK OFFICE EFS FILING  
SYSTEM ON November 21, 2008.

Respectfully submitted,



William O. Gray, III  
Registration No.: 30,944  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone: (212) 382-0700

WOG:db

# APPENDIX A

Claim Number (Status)	Nature of Change/Recitation	Supporting Text in Original Patent
1-12 (canceled)	n/a	n/a
13 (pending)	citric acid concentration; rewritten in independent form; "and/or" changed to Markush format; Preamble recites for nasal administration	Table 1; Table 3; original claim 13;
14 (pending)	claim dependency only	original claim 14
15 (canceled)	n/a	n/a
16 (pending)	claim dependency only	original claim 16
17 (pending)	claim dependency only	original claim 17
18 (canceled)	n/a	n/a
19 (pending)	typographical error "MRC"; preamble recites for nasal administration	original claim 19; Table 1
20 (canceled)	n/a	n/a
21 (canceled)	n/a	n/a
22 (canceled)	n/a	n/a
23 (canceled)	n/a	n/a
24 (pending)	citric acid concentration	Claim 19
25 (canceled)	n/a	n/a
26 (canceled)	n/a	n/a
27 (pending)	aqueous saline	col. 3, line 2
28 (canceled)	n/a	n/a
29 (canceled)	n/a	n/a
30 (canceled)	n/a	n/a
31 (pending)	aqueous saline; osmotic pressure	col. 3, line 2; col. 3, lines 16-18

Claim Number (Status)	Nature of Change/Recitation	Supporting Text in Original Patent
32 (pending)	salmon calcitonin	examples 1, 2 and 3
33 (canceled)	n/a	n/a
34 (pending)	method of nasal administration	original claim 20; col. 3, lines 43-56
35 (canceled)	n/a	n/a
36 (canceled)	n/a	n/a
37 (canceled)	n/a	n/a
38 (canceled)	n/a	n/a
39 (canceled)	n/a	n/a
40 (canceled)	n/a	n/a
41 (canceled)	n/a	n/a
42 (canceled)	n/a	n/a
43 (canceled)	n/a	n/a
44 (canceled)	n/a	n/a
45 (pending)	preservatives	original claim 17